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IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

NO. 70-54

VICTORY CARRIERS, INC., SS SAGAMORE HILL and GULF STEVEDORE CORP., *Petitioners*

v.

BILL LAW, *Respondent*

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

MOTION FOR RECONSIDERATION OF MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE ON BEHALF OF THE NATIONAL MARITIME COMPENSATION COMMITTEE

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To The Honorable Judges Of Said Court:

On September 15, 1971, the National Maritime Compensation Committee filed with the Clerk of the Court its Motion for Leave to File a Brief *Amicus Curiae* after the time for filing such a brief had expired under Rule 42. Accompanying this Motion was the Brief *Amicus Curiae*

which was sought to be filed in support of the Petitioners in this cause. Written consent had been obtained from all of the parties to the filing of the Brief *Amicus Curiae* and such consent was filed with the Clerk of the Court.[1]

On October 12, 1971, the Court entered an Order denying the Motion to File the Brief *Amicus Curiae* after the time for filing had expired under Rule 42.

On October 15, 1971, only three days before oral argument was scheduled, the American Trial Lawyers Association filed its Motion for Leave to file a Brief *Amicus Curiae* in support of the Respondent after the time for filing such a brief had expired under Rule 42. At the time of the oral argument on October 18 and 19, 1971, no ruling had been made on this Motion.

On October 26, 1971, this Court entered an Order granting leave to the American Trial Lawyers Association to file its Brief *Amicus Curiae* in support of the Respondent after the time for filing such a brief had expired under Rule 42.

It is respectfully submitted that under these circumstances this Court should reconsider its refusal to permit the National Maritime Compensation Committee to file its Brief *Amicus Curiae* on behalf of the Petitioners. While we have no way of knowing why the original Motion of the National Maritime Compensation Committee to file a Brief *Amicus Curiae* was denied, we had assumed that the Motion was denied because the Brief *Amicus Curiae*

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1. Rather than repeat here the contents of its original Motion for Leave, the National Maritime Compensation Committee incorporates such Motion by reference and respectfully refers the Court to it for a full statement of its interest in the questions involved and of its reasons why leave should be granted.

had not been timely filed under Rule 42. If this was the basis of the Court's denial of the original Motion, it is respectfully submitted that this would no longer be a valid basis for refusing to permit it to be filed. Having granted leave to an *Amicus Curiae* in support of the Respondent to file a brief which was not received by the Clerk of the Court until approximately four weeks after that sought to be filed in support of the Petitioners, untimeliness should no longer be an impediment to the filing of the National Maritime Compensation Committee's Brief *Amicus Curiae*.

We assume that in granting leave to file the Brief *Amicus Curiae* in support of the Respondent, the Court did not recall its earlier order denying leave to file a Brief *Amicus Curiae* in support of the Petitioners. Had the Court recalled its earlier order, we are confident that its own sense of fairness and justice would have caused it to rescind on its own motion the earlier order, and to enter an appropriate order granting leave for the Brief *Amicus Curiae* in support of the Petitioners to be filed by the National Maritime Compensation Committee.

As this Court has already recognized this case involves important questions of substantial concern not only to maritime employees such as the Respondent, but to maritime employers such as the Petitioners as well. Having permitted a Brief *Amicus Curiae* to be filed in support of such employees, it is respectfully submitted that the employers should have the same opportunity to present their views through a Brief *Amicus Curiae* in support of Petitioners.

The National Maritime Compensation Committee therefore respectfully submits that in the interest of justice and

fairness that this Motion for Reconsideration should be granted and leave given to file its heretofore submitted Brief *Amicus Curiae* in support of the Petitioners.

Respectfully submitted,

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CERTIFICATE OF SERVICE

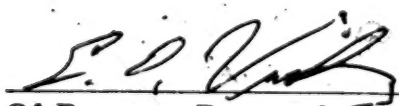
I certify that copies of the foregoing Motion have been served on counsel for all parties herein by depositing the same in a United States mail box with first class air mail postage prepaid, addressed to counsel of record at the following post office addresses on the 29th day of October, 1971.

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